IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 14440 of 2004(R)

PETITIONER:

PAUL MATHEW, CHALACKAL VEEDU,
THUTHIYOOR, KAKKANAD P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.P.SANTHOSH KUMAR (TR).

RESPONDENTS:
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1. **THE DISTRICT EXECUTIVE OFFICER,**
   KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
   ERNAKULAM.

2. **GOVERNMENT OF KERALA, REPRESENTED BY**
   THE COMMISSIONER AND SECRETARY TO LABOUR
   REHABILITATION DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

3. **THE TAHSILDAR (REVENUE RECOVERY),**
   KANAYANNUR TALUK, ERNAKULAM.

BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.14440/2004-R:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE RECEIPT OF RS. 27,074 DTD. 29/11/1996.

EXT.P.2: COPY OF THE ORDER OF THE R.2. DTD. 06/09/2001.

EXT.P.3: COPY OF THE APPEAL MEMORANDUM DTD. 24/12/2001.

EXT.P.4: COPY OF THE REVENUE RECOVERY NOTICE DTD. 02/12/2002.

EXT.P.5: COPY OF THE JUDGMENT IN O.P. NO. 834/2003 DTD. 10/01/2003.

EXT.P.6: COPY OF THE RECEIPT OF RS.30,000/- DTD. 10/03/2003.

EXT.P.7: COPY OF THE LETTER FROM THE R.1. TO THE R.3. DTD. 30/12/2003.

EXT.P.8: COPY OF THE JUDGMENT IN W.P.(C) NO. 10700/2004 DTD. 01/04/2004.

EXT.P.9: COPY OF THE ORDER OF THE R.2. DTD. 29/03/2004.

RESPONDENT'S EXHIBITS: **NIL.**

//TRUE COPY//

prv.

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 14440 of 2004

Dated, this the 20th day of November, 2007

J U D G M E N T

Heard learned counsel for petitioner and learned standing counsel for the Kerala Motor Transport Workers Welfare Fund Board.

2. Petitioner is challenging the order in appeal passed by the Government against final determination order determining contribution payable by the petitioner towards Motor Transport Workers Welfare Fund. Even though counsel contended that workers were not permanent and did not have the required service to entitle them for the benefits, learned standing counsel submitted that workers gave statement that, every month, each of them were engaged for a period of 10 days. Going by the statement of the workers, each of them would have served for 120 days per year under the petitioner. Since statutory limit for liability is only 90 days per year, the petitioner is rightly called upon to pay the contribution for all the workers for whom demand is made. I do not find any ground to interfere with the orders issued based on the statement given by the workers. Since petitioner was in operation,

the statement given by the workers, based on which the impugned orders were passed, would be true. In the circumstance, the impugned orders are sustained. Since business is closed petitioner should be granted reasonable time or instalments to clear arrears on payment of interest.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg